



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.2686 OF 2023**

Kirit Somaiya

.... Petitioner

versus

National Spot Exchange Limited & Anr.

.... Respondents

.....

- Mr. Ashok Mishra a/w Mr. Ameet Mehta, Mr. Aditya Bhat, Mr. Chirag, Mr. Mayank Gandhi, Mr. Jilesh Sanghavi, Kinjal Mehta, Madhu Rani i/b. Ms. Solicis Lex, Advocate for Petitioner.
- Mr. Arvind Lakhawat a/w Nimeet Sharma a/w Jalpa Shah a/w Vinit Vaidya i/b. MZM Legal LLP, Advocate for Respondent No.1 (NSEL).
- Mr. A. R. Patil, APP for the State/Respondent No.2

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 21<sup>st</sup> AUGUST, 2023**

**P.C. :**

1. Learned counsel for the Petitioner states that he has directly approached this Court. He states that liberty may be granted to the Petitioner to approach the Court of Session by filing Revision Application to challenge the order of issuance of process. His only concern is that there may be an issue of

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limitation. He seeks permission to withdraw this Writ Petition with liberty to approach the Court of Sessions.

2. Considering this request, permission is granted to withdraw this Petition with liberty to the Petitioner to approach the Court of Sessions to challenge the same order of issuance of process. If the question of limitation is raised, the Revisional Court shall take into account the fact that the Petitioner was pursuing the present Writ Petition before this Court. If such Revision Application is filed, it shall be decided in accordance with law.
3. With these observations and liberty, the Writ Petition is disposed of.
4. All contentions raised in this Petition, are left open.

**(SARANG V. KOTWAL, J.)**